

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STONY CREEK BREWERY LLC, et al.,

Plaintiffs,

-against-

CLOUDFUND LLC, et al.,

Defendants.

**ORDER**

24-CV-04382 (PMH)

PHILIP M. HALPERN, United States District Judge:

Stony Creek Brewery LLC, Branford Land Development, LLC, SCB Brewhouse, LLC, and Edward Crowley (collectively, “Plaintiffs”) commenced this action on June 7, 2024 against Cloudfund LLC and Delta Bridge Funding LLC, alleging claims of breach of the covenant of good faith and fair dealing, fraudulent inducement, and violations of the Connecticut Unfair Trade Practices Act. (Doc. 1; Doc. 11). Plaintiffs, in their Prayer for Relief, seek preliminary and permanent injunctive relief, declaratory judgment, rescission, damages, and attorneys’ fees and costs. (*See* Doc. 11 at 22).

Plaintiffs have filed a motion for a preliminary injunction seeking provisional relief almost identical to that identified in paragraph 2 of the Prayer for Relief. (Doc. 3). Plaintiffs, in support of the motion, filed three declarations and a memorandum of law. (Doc. 4—Doc. 7). On June 10, 2024, Plaintiffs filed a motion “on an emergency basis” to schedule an expedited hearing with respect to the motion for a preliminary injunction, or alternatively, to issue an *ex parte* temporary restraining order seeking three of the four orders requested in the motion for a preliminary injunction. (Doc. 9). This matter was reassigned to this Court’s docket on June 10, 2024.

This Court’s Individual Practices Rule 4(F) specifies that motions for a preliminary injunction and/or temporary restraining order shall be brought by Order to Show Cause and not be

filed as a motion. Additional procedures governing motions brought by Order to Show Cause and for emergency relief, including temporary restraining orders, are set forth in that rule. In particular, the rule requires the party seeking the issuance of an Order to Show Cause to file a letter via ECF requesting a conference and setting forth certain particulars, including whether the requirements of Rule 65(b) have been satisfied; and to file the proposed Order to Show Cause and temporary restraining order in accordance with the Court's Electronic Filing Rules.

Accordingly, Plaintiffs shall, if they be so advised, file a proposed Order to Show Cause and letter-motion via ECF in accordance with the Court's Individual Practices and Rule 65 of the Federal Rules of Civil Procedure. Upon a proper presentation, the Court will schedule a conference and, if necessary, schedule an expedited hearing on the motion for a preliminary injunction.

The Clerk of Court is respectfully directed to terminate the pending motions (Doc. 3; Doc. 9).

**SO ORDERED:**

Dated: White Plains, New York  
June 11, 2024



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PHILIP M. HALPERN  
United States District Judge